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**Case No.: 10-CV-4250 YGR  
Consolidated with 11-CV-393 YGR**

**ORDER DENYING MOTIONS FOR SUMMARY  
JUDGMENT AS MOOT IN LIGHT OF  
SETTLEMENT; SETTING COMPLIANCE  
HEARING**

The Motion of Defendants Rickmer Kose and SPECS USA Corp. for Summary Judgment or, in the alternative, for Partial Summary Judgment (Dkt No. 109); and the Motion of Plaintiffs/Counterdefendants SPECS Surface Nano Analysis GmbH and Specs Surface Nano Analysis, Inc. to Dismiss for Improper Venue or, in the alternative, for Summary Adjudication (Dkt. No 112) are **DENIED** as moot in light of the parties' settlement. (*See* Dkt. No. 153.)

All pending motion, case management and trial dates are **VACATED**. A compliance hearing shall be held on Friday, **February 15, 2013**, on the Court's 9:01a.m. Calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California in Courtroom 5.

Five (5) business days prior to the date of the compliance hearing, the parties shall file either (a) a Stipulation of Dismissal; or (b) a one-page **JOINT STATEMENT** setting forth an explanation regarding the failure to comply. If compliance is complete, the parties need not appear and the compliance hearing will be taken off calendar. Telephonic appearances may be allowed if the parties have submitted a joint statement in a timely fashion.

**IT IS SO ORDERED.**

Dated: January 24, 2013

  
**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**